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BROWDY & NEIMARK  
624 Ninth Street, N.W., Suite 300  
Washington, D.C. 20001

In re Application of  
PLOUG et al. : DECISION ON PETITION  
U.S. Application No.: 09/743,329 :  
PCT No.: PCT/DK99/00377 : TO REVIVE UNDER  
International Filing Date: 01 July 1999 :  
Priority Date: 01 July 1998 : 37 CFR 1.137(b)  
Attorney's Docket No.: PLOUG 1 :  
For: PEPTIDE ANTAGONISTS OF THE HUMAN :  
UROKINASE RECEPTOR AND METHOD FOR :  
SELECTING THEM :

This decision is in response to applicants' "Petition To Revive Under 37 C.F.R. §1.137(b)" filed on 11 July 2001.

### **BACKGROUND**

On 01 July 1999, applicants filed international application PCT/DK99/00377 which claimed a priority date of 01 July 1998 and which designated the United States. On 13 January 2000, a copy of the international application was communicated to the United States Patent And Trademark Office (USPTO) by the International Bureau (IB).

On 25 January 2000, a Demand was filed with the International Preliminary Examining Authority electing the United States. The election was made prior to the expiration of nineteen months from the priority date. As a result, the deadline for payment of the basic national fee was extended to expire thirty months from the priority date, i.e., 01 January 2001. As Monday 01 January 2001 was a federal holiday, the deadline for payment was extended to midnight 02 January 2001.

On 09 January 2001, applicants filed a "Petition To Revive Under 37 CFR 1.137(a)".

On 12 June 2001, the USPTO mailed a decision dismissing applicants' petition to revive under 37 CFR 1.137(a). This decision set a two month period for reply and indicated that as an alternative to filing a renewed petition under 37 CFR 1.137(a), applicants should consider filing a petition under 37 CFR 1.137(b) for unintentional, rather than unavoidable, delay.

On 11 July 2001, applicants submitted the instant "Petition To Revive Under 37 C.F.R. §1.137(b)".

### **DISCUSSION**

A petition to revive the present application under 37 CFR 1.137(b) must include:

- (1) The required reply;
- (2) The petition fee;
- (3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional.

As to item (1), applicants submitted the basic national fee on 09 January 2001.

As to item (2), applicants submitted the petition fee of \$1,240.00 on 11 July 2001.

With regard to item (3), petitioner's statement that "the entire delay in filing the §371 application (the papers for which were attached to applicants' petition of January 9, 2001, and are incorporated by reference herein) from the due date for entry into the national phase (January 2, 2001), until the filing of this grantable petition was unintentional" has been construed as meaning that the "entire delay in filing the required reply from the due date for the reply until the filing of this petition under 37 CFR 1.137(b) was unintentional." If this interpretation is incorrect, applicant must *immediately* notify the Office of PCT Legal Affairs of such fact.

A review of the application file reveals that, with the filing of the present petition and accompanying papers, a proper response has been submitted and all of the requirements of 37 CFR 1.137(b) for revival have been satisfied and revival is therefore appropriate.

### **CONCLUSION**

The petition under 37 CFR 1.137(b) is **GRANTED** for the reasons set forth above.

Please direct any further correspondence with respect to this matter to the Commissioner of Patents and Trademarks, Box PCT, Washington, D.C. 20231, and address the contents of the letter to the attention of the Office of PCT Legal Administration.

This application is being forwarded to the National Stage Processing Branch of the Office

of PCT Operations to continue national stage processing of the application including preparing and mailing a NOTIFICATION OF MISSING REQUIREMENTS (Form PCT/DO/EO/905) requiring an oath or declaration in compliance with 37 CFR 1.497(a)-(b).



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